



## REQUIRED WRITTEN LOCAL WORKFORCE DEVELOPMENT BOARD POLICIES

This review collates policy requirements in WIOA [29 U.S.C. 3101 et seq.], Titles 2, 20, and Title 29 of the *Code of Federal Regulations*, advisory guidance from selected DOL TEGLs, active OWD Issuances, the OWD Financial Manual, the Missouri *Code of State Regulations*, and RSMo Chapter 610. It is complete as practicable, but omissions are possible.

**LOCAL POLICIES AND SUNSHINE: General**—Regardless of whether or not they are required by the Local Plan, or required by federal or state laws or regulations, all Local WDB policies that are specific to the LWDA and approved by vote of the board must be available to the public in writing at the board office and available for Sunshine requests. (Electronic access can substitute for paper copies.) This includes any standing policy or policy resulting from a declared vote by the Local WDB. (The only exceptions are specific security policies with details affecting people or facilities.)

★ *WIOA sec. 107(e)* [29 U.S.C. 2122(e)]

★ *20 CFR 679.390*

★ *RSMo Chapter 610*

Note that all but one of the policies listed in this document are subject to open records Sunshine requirements (marked ☀).

## LOCAL POLICIES THAT ARE REQUIRED COMPONENTS OF THE LOCAL PLAN (LP)

Adult-specific

Dislocated Worker-specific

Youth-specific

1. ☀ ACCESSIBILITY POLICY—Persons with Disabilities .....LP ATT #21
2. ☀ ACCESSIBILITY POLICY—Persons with Limited English Proficiency .....LP ATT #22
3. ☀ ADULT EDUCATION AND LITERACY (AEL) POLICY .....LP ATT #24
4. ☀ BASIC SKILLS ASSESSMENTS—Testing Policy .....LP ATT #19
5. ☀ BUSINESS SERVICES PLAN & POLICY .....LP ATT #29
6. ☀ COMPLAINTS AND GRIEVANCE POLICY—Nondiscrimination, Programmatic.....LP ATT #12
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8. ☀ ELIGIBILITY—Individualized Career Services .....LP ATT #20
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10. ☀ ELIGIBLE TRAINING PROVIDER LIST POLICY, Out-of-State Providers .....LP ATT #27
11. ☀ EMPLOYMENT TRANSITION TEAM POLICY .....LP ATT# 28
12. ☀ EXPENDITURE RATES AND TRAINING CRITERIA POLICY .....LP ATT# 15
13. ☀ FINANCIAL—General & Procurement Policy .....LP ATT #10
14. ☀ INCUMBENT WORKER TRAINING POLICY .....LP ATT #31
15. ☀ INDIVIDUAL TRAINING ACCOUNTS.....LP ATT #20
16. ☀ INTEGRATION OF SERVICES—Co-enrollment Policy .....LP ATT#23
17. ☀ MONITORING—Sub-state Monitoring Policy, Youth Stand-Alone Programs .....LP ATT #4, 17
18. ☀ PRIORITY OF SERVICE POLICY—Adult Employment & Training Policy .....LP ATT #14
19. ☀ PRIORITY OF SERVICE POLICY—Veterans.....LP ATT #18
20. ☀ SUPPORTIVE SERVICES .....LP ATT #13
21. ☀ VOC. REHAB./REHAB. SERVICES FOR THE BLIND—Coordination Policy .....LP ATT 25
22. ☀ YOUTH—Apprenticeships Policy.....LP ATT #26
23. ☀ YOUTH—Incentive Payment Policy.....LP ATT #17

## REQUIRED LOCAL POLICIES BEYOND THE LOCAL PLAN

Adult-specific

Dislocated Worker-specific

Youth-specific

25. ☀ ACCOMMODATION POLICY
26. ☀ CONFIDENTIALITY AND INFORMATION SECURITY POLICY
27. ☀ CUSTOMIZED TRAINING—Employed Workers Eligibility Policy (program dependent)
28. ☀ CUSTOMIZED TRAINING—Employer’s Share Policy (program dependent)  
(could be subparts of the same policy)
29. ☀ FACILITIES—SAFETY/SECURITY—Disruption or Threat Policy (discretionary)
30. ☀ FACILITIES—DAMAGES (discretionary)
31. ☹ FACILITIES—EMERGENCY / SAFETY / SECURITY POLICY  
(could be subparts of the same policy)
32. ☀ FINANCIAL—Cost Policy (Cost Allocation) Statement
33. ☀ FINANCIAL—Cost Accounting Policy
34. ☀ FINANCIAL—Financial Reporting/Cash Draw Request Deadlines
35. ☀ FINANCIAL—Fraud, Waste, Abuse, and Criminal Activity Policy
36. ☀ FINANCIAL—Internal Accounting Policy
37. ☀ FINANCIAL—Local Bonding Policy
38. ☀ FINANCIAL—Payments to Employers Policy  
(could be subparts of the same policy)
39. ☀ FOLLOW-UP POLICY—Adult and Dislocated Worker
40. ☀ FOLLOW-UP POLICY—Youth  
(could be subparts of the same policy)

- 41. ☀ HARASSMENT AND DISCRIMINATION POLICY
- 42. ☀ NONDISCRIMINATION POLICY— Gender Identity, Expression, and Sex Stereotyping (*optional separate policy*)  
(could be subparts of the same policy)
- 43. ☀ ON-THE-JOB TRAINING—Dispute Resolution Policy
- 44. ☀ ON-THE-JOB TRAINING—Employed Workers Eligibility Policy
- 45. ☀ ON-THE-JOB TRAINING—Funds to Support Registered Apprenticeships Policy
- 46. ☀ ON-THE-JOB TRAINING—75% Reimbursement Rate  
(could be subparts of the same policy)
- 47. ☀ PERSONNEL—Facilities Closings Policy
- 48. ☀ PERSONNEL—Personal Leave Policy
- 49. ☀ PERSONNEL—Travel Policy (*Required if federal allowances are not used.*)  
(could be subparts of the same policy)
- 50. ☀ RECORDS—Access to Records/Sunshine Policy
- 51. ☀ RECORDS—Retention and Destruction  
(could be subparts of the same policy)
- 52. ☀ TRANSITIONAL JOBS POLICY (program dependent)

## LOCAL POLICIES REQUIRED IN THE LOCAL PLAN (LP) (SUMMARIES)

☀ **ACCESSIBILITY POLICY—Persons with Disabilities** ..... LP Section 43, ATT #21  
Local WDB shall develop policies, and allocate resources, to assure facility and programmatic access. [NOTE: “Accessibility” Policy and “Accommodation” Policy are two separate things. See “Accommodation Policy,” under “Other Required Policies.”]

OWD ISSUANCE 04-2001 (*Missouri Accessibility Policy*), ATT #1, Section III(A);  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9  
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☀ **ACCESSIBILITY POLICY—Persons with Limited English Proficiency**..... LP Section 44, ATT #22  
Local WDBs must develop and implement a comprehensive, written policy that will ensure meaningful access and communication for LEP individuals.

OWD ISSUANCE 06-2014 (*Access to Meaningful Services for Individuals with Limited English Proficiency*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9  
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☀ **ADULT EDUCATION AND LITERACY (AEL) POLICY** ..... LP Section 46, ATT #24  
Description of how the Local WDB will coordinate workforce development activities with Missouri Department of Elementary and Secondary Education (DESE) Title II provider(s) of AEL in the LWDA, including alignment-review process for DESE Title II applications as required by WIOA Sec. 108(b)(13).

OWD Issuance 26-2015 (*Adult Education Classes to Prepare Workforce Customers to Achieve a High School Equivalency*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9  
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☀ **BASIC SKILLS ASSESSMENTS—Testing Policy**..... LP Section 41, ATT #19  
The Local WDBs must develop a policy for determining basic skills deficiency criteria as defined in WIOA Section 3(5) and must choose the assessments for basic skills testing. This policy should be developed with guidance for the local subcontractors to implement.

OWD ISSUANCE 14-2016 (*Determining Basic Skills Deficiencies for WIOA Applicants/Participants*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 8  
★ 20 CFR 681.290  
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☀ **BUSINESS SERVICES PLAN & POLICY**..... LP Section 66, ATT #29  
Business Services Plan outlining the team members and the team’s purpose, goals, policies, and procedures to ensure seamless delivery of services, avoid duplication, and ensure feedback to local Job Centers. Policy should explain how services provided by business services staff will be recorded in the electronic case management system for the effectiveness in serving employers measurements (1: Repeat Business Customers and 2: Employer Penetration Rate).

OWD Issuance 22-2017 (*Effectiveness in Serving Employers Performance Measure*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 13  
★ 20 CFR 678.435  
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☀ **COMPLAINTS AND GRIEVANCE POLICY—Nondiscrimination & Programmatic** ..... LP Section 27, ATT #12

Nondiscrimination Policy:

Local complaints and grievances policy related to nondiscrimination, adhering to federal and state compliant and grievance guidance and policy (as differentiated from programmatic complaints about WIOA procedures; these can be included in the same policy).

Policy is to be incorporated into the MOU and disseminated throughout the LWDA for all workforce development professionals to understand and implement. *If Local WDB chooses to follow State policy, a local policy is not required, only a statement to that effect.*

Programmatic Policy:

Local policies should correspond with the State’s complaint and grievance policy. All participants receiving services under Title I of WIOA have the opportunity to report and receive relief from negative actions of the WIOA funded grantees (as differentiated from discrimination complaints; these can be included in the same policy). Policy is to be incorporated into the MOU and disseminated throughout the LWDA for all workforce development professionals to understand and implement. *If Local WDB chooses to follow State policy, a local policy is not required, only a statement to that effect.*

OWD ISSUANCE 19-2012 (*Workforce Investment Act Complaint Resolution Policies*), ATT #1, ATT #2

OWD ISSUANCE 16-2017 (*Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints and Grievances*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 13

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☀ **CONFLICT OF INTEREST POLICY** ..... LP Section 22, ATT #8

Conflict of interest represents the potential for an offense; the intent of the conflict of interest policy is to avoid conflicts that give the appearance of impropriety. Local WDB must have a local conflict of interest policy to be included in Board bylaws and local plan; also required in CEO consortium bylaws. Neither the Local WDB staff, the OSO, nor any other service provider, may manage a services competition (drafting proposal specifications, evaluating bids, selecting the awardee, etc.) in which it will be a competitor. A member of a local board, or member of standing committee, may not vote on a matter under consideration by the local board when it 1) regards the provision of services by the member or entity the member represents and 2) would provide direct financial benefit to the member or immediate family member. The Local WDB must establish “robust” policies and firewalls to avoid any inherent conflict of interest. Additionally, if a single entity (LWDB or service provider) performs in two or more One-Stop Delivery System roles, a written agreement with the Local WDB and the CEO, clarifying how the organization will carry out its responsibilities while demonstrating compliance is required.

★ WIOA Sec. 108(h)

★ 20 CFR 679.390;

OWD ISSUANCE 19-2016 (*Ethical Requirements for Chief Elected Officials and Local Workforce Development Boards*)

OWD ISSUANCE 15-2019 (*Selection or Designation of Service Providers, including One-Stop Operators, Training Providers, and Youth Providers by Local Workforce Development Boards*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 6

OWD FINANCIAL MANUAL (*April 2019*), page 14

★ 20 CFR 678.610(c)

★ 20 CFR 678.615(a)

★ 20 CFR 683.220(a)

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☀ **ELIGIBILITY— Individualized Career Services** ..... LP Section 42, ATT 20

Local Workforce Development Boards must identify the assessments to be used to determine eligibility and must ensure eligibility determination policies are consistent with state policies. This policy to be submitted in the LP in conjunction with the Individual Training Account policy.

★ TEGL 21-16

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9

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☀ **ELIGIBILITY—Youth Barriers Policy** ..... LP Section 35, ATT 16

ISY and OSY additional assistance barrier. “If the state does not establish these definitions and eligibility documentation, the local area must do so if it uses this criterion”; “Individual who needs additional assistance to enter or complete an educational program or to secure or hold employment (as defined by the Local Board)”.

★TEGL 21-16

OWD ISSUANCE 09-2018 (*WIOA Youth Program Eligibility and Documentation Technical Assistance Guidance Policy*), Attachment

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 6

★20 CFR 681.300 and 681.310

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☀ **ELIGIBLE TRAINING PROVIDER LIST POLICY** ..... LP Section 49, ATT #27

Eligible Training Provider List Policy. Providers of training services must be approved by the Local WDB to provide services in the LWDA. Policy for selecting and approving eligible training providers (ETP) must include criteria used to approve a provider at the local level, requirements for the provider per all State and Local WIOA requirements, expected performance levels, procedures for Pell Grant reimbursements to WIOA for tuition, and specific terms for, and expectations of, the ETPs. Additional requirements to determine eligibility of providers and programs beyond the State criteria are allowed, per guidance.

Out-of-State Providers Policy. An individual may choose eligible training providers and programs outside of the State consistent with State and local policies and procedures. State policies and procedures may provide for reciprocal or other agreements established with another State to permit eligible training providers in a State to accept ITAs provided by the other State.

OWD ISSUANCE 11-2018 (*Local Eligible Training Provider Selection Policy*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 10

★WIOA Sec. 122

★20 CFR 680.430, 20 CFR 680.520

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☀ **EMPLOYMENT TRANSITION TEAM POLICY** ..... LP Section 49, ATT #28

How the Local WDB coordinates with the LWDA’s ETT Coordinators; including pre-layoff services, proactive measures to identify potential layoffs, and layoff aversion strategies.

OWD ISSUANCE 07-2015 (*Statewide Employment Transition Team Policy*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 11

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☀ **EXPENDITURE RATES AND TRAINING CRITERIA POLICY** ..... LP Section 34, ATT #15

Local WDB’s policy regarding proposed training expenditure rates for both the Adult and Dislocated Worker regular formula fund allocations. Policy is to also describe the local process for determining who will receive training.

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 8

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☀ **FINANCIAL—General & Procurement Policy** ..... LP Section 24, ATT #10

General Policy: Every Subrecipient is required to establish and maintain a financial management system in according with the requirements of the Uniform Guidance, 2 CFR 200.302, and the Generally Accepted Accounting Principles (GAAP). The financial management system must also be sufficient to meet the requirement of Section 185(a)(1) and (2) of WIOA. At minimum, the system must meet the standards listed in the OWD Financial Manual, listed under the “Core Financial Management Standards” section. Subrecipients and their subrecipients must maintain and follow detailed written policies and procedures that address all functions and processes within their financial system.



### Procurement Policy:

Describe the competitive (procurement) process used to award the grants and contracts in the LWDA for activities carried out under the Title I of WIOA, including the process to procure training services for Youth and any that are made as exceptions to the ITA process. Include the information on the following processes: advertisement/notification to prospective bidders, time period bidders have to respond to the solicitation, evaluation and award/non-award notification. This may include those pages from the Board's procurement guidelines that describe the competitive-procurement process and the process to procure Youth training providers.

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 8

OWD Financial Manual (April 2019) page 17-18

OWD ISSUANCE 15-2019 (*Selection or Designation of Service Providers, including One-Stop Operators, Training Providers, and Youth Providers by Local Workforce Development Boards*)

★ 20 CFR 678.605(c)

★ 20 CFR 678.610(a)

★ Uniform Guidance at 2 CFR 200.317-.324

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### ☀ **INCUMBENT WORKER TRAINING POLICY** ..... LP Section 72, ATT #31

If the Local WDB implements the incumbent worker training program, this policy is required. Otherwise, a statement must be in place that this training program is not offered in the area, as required under the Local Plan guidance. Local WDB's requirements and definitions must establish which workers, or groups of workers, and which employers are eligible for incumbent-worker services (see manual); "WIOA sec. 134(d)(4)(D) requires Local WDBs to establish policies regarding the non-federal share of the cost of IWT." If a Local WDB chooses to implement incumbent worker training after the submission of the local plan, the draft policy must be submitted to OWD for review and approval, followed by a local plan modification, *before* establishing or approving training.

OWD ISSUANCE 23-2017 (*Incumbent Worker Training Policy*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 14

★ WIOA sec. 134(d)(4)(D)

★ TEGL 19-16

★ 20 CFR 680.780

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### ☀ **INDIVIDUAL TRAINING ACCOUNTS**..... LP Section 42, ATT 20

Description of how training services outlined in WIOA sec. 134 will be provided through the use of individual training accounts, including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts, and how the Local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided. Identify the funding limit for ITAs.

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9

★ 20 CFR 680.310(b)-(d)

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### ☀ **INTEGRATION OF SERVICES—Co-enrollment Policy** ..... LP Section 45, ATT 23

Board policy to promote integration of services through co-enrollment processes.

OWD ISSUANCE 03-2019 (*Co-Enrollment and Provision of Services by Workforce Staff Policy*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9

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☀ **MONITORING—Sub-state Monitoring Policy**.....LP ATT #9

Sub-State Monitoring Policy: Local WDBs must develop—and maintain on file—written policy and procedures for monitoring subrecipient compliance with the terms of grants, contracts, or other agreements pursuant to WIOA Title I Workforce Development Activities. Policy must include the minimum elements and standards outlined in Attachment of OWD Issuance 12-2019.

Monitoring of Stand-Alone Youth Programs Policy: Boards must incorporate additional financial and programmatic monitoring policies to ensure funds intended to support stand-alone summer youth programs or other special initiatives are administered in accordance with contractual scopes of work.

OWD ISSUANCE 12-2019 (*Statewide Sub-state Monitoring Policy*), ATTACHMENT  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 4, 5  
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☀ **PRIORITY OF SERVICE POLICY—Adult Employment & Training Policy** .....LP Section 33, ATT #14

WIOA regulations require LWDBs to establish criteria for application of priority for Adult program-funded Individualized Career Services and Training Services. Per State policy, LWDBs must establish tiered, local, priority of service policies, assigning top priority to public-assistance recipients, other low-income individuals, and individuals who are basic-skills deficient. LWDBs may establish a process giving priority to other individuals eligible, provided that the policy is consistent with priority of service for veterans and the low-income priority described above. Describe the process by which any priority will be applied by the One-Stop Operator as stated under WIOA section 134 (c)(3)(E) and §680.600. The LWDB should explain its Adult Priority of Service to provide WIOA career services for jobseekers who are not low-income.

OWD ISSUANCE 03-2019 (*Co-enrollment and Provision of Services by Workforce Staff Policy*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 8  
★ 20 CFR 680.600  
★ TEGL 19-16  
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☀ **PRIORITY OF SERVICE POLICY—Veterans** .....LP Section 40, ATT #18

Local policy on incorporating priority of service for veterans and eligible spouses into all program areas. Policies are to ensure that covered persons are aware of the entitlement to priority of service, full array of programs and services available, and applicable eligible requirements for those programs/services. Written copies of the priority of service policy must be maintained at all service-delivery points and signage should be displayed prominently. See OWD Issuance 10-2016 for additional guidance.

OWD ISSUANCE 10-2016 (*Priority of Service for Veterans and Eligible Spouses*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 8  
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☀ **SUPPORTIVE SERVICES**.....LP Section 32, ATT #13

Local WDBs must develop policies and procedures governed by 20 CFR 680.900 through .970. Policy is to address procedures for referrals to such services, how such services will be funded when they are not available from other sources, establish limits, including a maximum amount of funding and maximum length of time supportive services will be available to a participant. Exceptions are allowable, but must be noted in the local policy. Policy should follow minimum guidelines listed in OWD Issuance 13-2017 and include guidelines for Needs-Related Payments. Local policy must be followed when providing wrap-around services to participants co-enrolled in the Trade Act program.

OWD ISSUANCE 13-2017 (*Statewide Supportive Services Policy*)  
OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 7  
★ TEGL 19-16  
★ 20 CFR 680.900–680.970  
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☀ **VOC. REHAB./REHAB. SERVICES FOR THE BLIND—Coordination Policy**..... LP Section 47, ATT 25  
Policy on how the Local WDB will coordinate workforce development activities with Vocational Rehabilitation and Rehabilitative Services for the Blind. Boards are encouraged to develop a subcommittee on disability services. If the Board has a subcommittee, please describe it and the partnership activities with VR & RSB.

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9

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☀ **YOUTH—Apprenticeships Policy**..... LP Section 48, ATT 26

The Local WDB is to have a policy on apprenticeships. DOL guidance (TEN 13-12) cited by OWD ISSUANCE 11-2015 **implies** (page 2) that, for a pre-apprenticeship program, the Local WDB “should” have a policy guiding outreach for under-represented populations and to increase the acceptance rates for registered apprenticeships. Policy should include outreach efforts to under-represented populations in a Registered Apprenticeship(s), and educational, and pre-vocational efforts to increase acceptance rate into Registered Apprenticeship(s). *[NOTE: This additional policy is not required if there is no youth pre-apprenticeship program in the Local Area.]*

OWD ISSUANCE 07-2019 (*Workforce Innovation and Opportunity Act Work Experiences for Youth Participants*)

OWD ISSUANCE 09-2019 (*Local and Regional Plan Guidelines for Local Workforce Development Boards*), ATT #1, page 9

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☀ **YOUTH—Incentive Payment Policy**..... LP Section 39, ATT 17

Enrolled youth incentive payments must be backed up by a Local WDB incentives policy. The local program must have written policies and procedures in place governing the award of incentives. Youth incentives must be tied to recognition and achievement directly tied to training activities and work experiences.

OWD ISSUANCE 14-2019 (*WIOA Youth Program Incentive Policy*)

★ 20 CFR 681.640

★ TEGL 21-16.

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## REQUIRED LOCAL POLICIES BEYOND THE LOCAL PLAN (SUMMARIES)

### ☀ ACCOMMODATION POLICY

Because the most recent State Issuance combines this with Harassment, Discrimination, and Retaliation, they may or may not be separate policies. This policy requirement is not the same as having an “accessibility” policy. “Accommodation” refers to requests for providing reasonable employment-related accommodations to employees and job applicants with disabilities. (However, meaningful steps to ensure access to LEP individuals by providing translation are *nondiscrimination* policies and not “accommodations.”)

★ 20 CFR 38.14 to 38.17

OWD ISSUANCE 33-2017 (*Harassment, Discrimination, and Retaliation Policy; Accommodation Policy*)

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### ☀ CONFIDENTIALITY AND INFORMATION SECURITY POLICY

“Recipients and subrecipients of WIOA title I and Wagner-Peyser Act funds must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market, or that the Department or the recipient or subrecipient considers to be sensitive, consistent with applicable Federal, State and local privacy and confidentiality laws.” The Local WDB must have a policy for the LWDA that conforms to the State’s Confidentiality and Information Security Policy, and the Local WDB must monitor subrecipients’ policies for conformity to both the State and the local policies.

OWD ISSUANCE 13-2016, *Confidentiality and Information Security*)

OWD FINANCIAL MANUAL (*April 2019*), page 53.

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### ☀ CUSTOMIZED TRAINING (*program dependent*)

Employed Workers Eligibility Policy: Customized training is designed to meet the specific requirements of an employer or group of employers with the commitment that the employer(s) hire an individual upon successful completion of training. “Customized training of an eligible employed individual may be provided for an employer or a group of employers when... the employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, *as determined by Local WDB policy*....”

Employer’s Share Policy: Employers are required to pay the non-federal share of the cost of providing incumbent worker training. Local WDBs must create policies for determining what constitutes an employer’s payment of “a significant portion of the cost of training.” This must take into account: the size of the employer and other factors the Local WDB determines are appropriate. These may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

Customized Training Policy is only required if local WDB chooses to implement program locally.

★ TEGL 19-16

★ 20 CFR 680.770

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### ☀ FACILITIES—SAFETY/SECURITY

Disruption or Threat Policy (discretionary): To eject disruptive person(s), the Local WDB should have a written policy for barring, restricting, or removing a disruptive person from a Job Center or other Local WDB premises. Posting a notice or listing circumstances that would result in an individual being removed or asked to leave probably would be necessary. (*See similar requirements for schools at RSMo 160.261.*)

Damages (discretionary): The WIOA nondiscrimination rules explicitly state that the owner of a service animal cannot be held liable for physical damages to the facility unless the Local WDB has a general written policy already in place (and probably posted) concerning surcharges or restitution for damages that applies equally to all visitors. (*Conceivably, such damages could also extend to careless use of motorized support, food & drink brought into the center, unattended children, etc.*)

OWD ISSUANCE 11-2014 (*Job Center Safety/Security Policy Manual*), ATT #1, page 19

★ 29 CFR 38.16(h)

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## 🚫 FACILITIES— EMERGENCY/ SAFETY/ SECURITY POLICY

Although not specifically ordered as an “Action” item, the safety and security manual Issuance and attachments presumes the existence of a Local WDB emergencies policy. *However, this document should be classified. The Missouri Sunshine specifically exempts security documents, evacuation plans, floor plan drawings, or other similar materials whose release would compromise the safety of the public or the employees using a public facility, such as a Job Center.*

OWD ISSUANCE 11-2014 (*Job Center Safety/Security Policy Manual*), ATT "F"

★ RSMo 610.021.18 through 610.021.20

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## ☀ FINANCIAL— Cost Policy (Cost Allocation) Statement

The Local WDB must have a Cost Policy Statement, describing all accounting policies and narrating in detail the proposed Cost Allocation Plan. This Plan must describe the procedures used to identify, measure, and allocate all costs to each benefiting activity. It must be signed by a duly authorized official. Cost policy must cover compensation for personal services and professional services. The policy must conform to GAAP.

OWD FINANCIAL MANUAL (*April 2019*), pgs. 29, 32

★ *Uniform Guidance at 2 CFR 200.404(c), 200.404(e), 200.403(a), and 200.430(b).*

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## ☀ FINANCIAL—Cost Accounting Policy

“Recruiting costs for Local WDB staff are allowable per the Uniform [Guidance] at 2 CFR 200.463 ‘Recruiting,’ but must be consistent with the non-federal entity’s existing cost-accounting practices and policies.” (Implied that such policies must exist.)

OWD ISSUANCE 15-2019 (*Selection or Designation of Service Providers, including One-Stop Operators, Training Providers, and Youth Providers by Local Workforce Development Boards*)

★ 2 CFR 200.463

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ FINANCIAL— Financial Reporting/Cash Draw Request Deadlines

Local financial policies must include cash draw request deadlines and comply with State policy.

OWD FINANCIAL MANUAL (*April 2019*), pg. 8

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ FINANCIAL— Fraud, Waste, Abuse, and Criminal Activity Policy

OWD specifically requires that subrecipients have a well-defined policy on procedures to report fraud, program abuse, and criminal conduct to the OWD. The OWD will review this policy on its annual monitoring.

OWD FINANCIAL MANUAL (*April 2019*), pg. 43

OWD ISSUANCE 23-2015 (*Policy on Reports and Complaints about Criminal Fraud, Waste, Abuse, or Other Criminal Activity Related to Federal Awards*)

★ WIOA sec. 107(c)(3) [29 U.S.C. 3122(c)(3)]

★ 20 CFR 683.200(h)

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **FINANCIAL—Internal Accounting Policy**

“The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity...”; “...Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.”

★ *Uniform Guidance at 2 CFR 200.400(d) and 2 CFR 403(d)*

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **FINANCIAL— Local Bonding Policy**

A list of items to be reviewed during financial monitoring should contain, but is not limited to, the following... (f) Bonding policy; “For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected.”

*OWD FINANCIAL MANUAL (April 2019), pg. 17*

★ *Uniform Guidance at 2 CFR 200.325*

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **FINANCIAL—Payments to Employers Policy**

“Invoicing: Payments to employers for the OJT must comply with WIOA program guidelines and the LWDB’s policies.”

*On-the-Job Training Practices and Procedures Manual, pg. 20*

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **FOLLOW-UP POLICY—Adult & Dislocated Worker**

Local areas must make available follow-up services for adults and dislocated worker participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. WDBs must establish policies that define what are considered to be appropriate follow-up services, as well as policies for identifying when to provide follow-up services to participants.

*OWD ISSUANCE 31-2017 (Workforce Innovation and Opportunity Act Follow-Up Career Services)*

★ *TEGL 19-16*

★ *20 CFR 680.150*

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **FOLLOW-UP POLICY— Youth**

Follow-up services must be offered for no less than 12 months after the completion of participation. WDBs must establish policies that define what are appropriate follow-up services for Youth participants and policies for identifying when to provide them. Some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate making it impossible to provide follow-up services for such individuals. Local programs should have policies in place to establish how to document and record when a participant cannot be located or contacted.

*OWD ISSUANCE 31-2017 (Workforce Innovation and Opportunity Act Follow-Up Career Services)*

★ *TEGL 21-16*

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ HARASSMENT AND DISCRIMINATION POLICY

Because the most recent State Issuance combines this with “Accommodation,” they may or may not be separate policies. All Local WDBs, partner agencies, and/or subcontracting entities must develop and implement policies prohibiting employees and nonemployees from harassing or discriminating against staff, customers, and employees.

OWD ISSUANCE 33-2017 (*Harassment, Discrimination, and Retaliation Policy; Accommodation Policy*)

★ 29 CFR 38.10 “Harassment prohibited” [new rule]

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ NONDISCRIMINATION POLICY— Gender Identity, Expression, and Sex Stereotyping (optional as separate policy)

All forms of sex discrimination are now prohibited under WIOA and its implementing rules. About 17 months after the TEGL and OWD Issuance referenced here came out, the Final Rules for Part 38, implementing WIOA Section 188 Nondiscrimination requirements, added these protections. Therefore, a separate policy may no longer be necessary.

OWD ISSUANCE 15-2014 (*Update on Complying with Nondiscrimination Requirements*)

★ TEGL 37-14

★ 29 CFR Part 38

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ ON-THE-JOB TRAINING POLICY

Dispute Resolution Policy: The Local WDB must have a policy in place to handle employer disputes, nepotism, and agreement modifications.

Employed Workers Eligibility Policy: “OJT contracts may be written for eligible employed workers when... the employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by Local WDB policy...”

Funds to Support Registered Apprenticeships Policy: The Local WDB must have a policy on whether OJT funds can be used to for registered apprenticeships and identifying to what extent (some or all) of Registered Apprenticeship can be so covered.

75% Reimbursement Rate: Local WDB must establish factors used to determine when increasing the OJT wage reimbursement levels above 50% to 75%. For a co-enrolled TAA participant, WIOA may reimburse employers up to an additional 25% (on top of TAA’s 50% reimbursement), given that local policy provides for a 75% reimbursement rate. Factors on determining whether the amount should be increased are outlined in TEGL 19-16.

*On-the-Job Training Practices and Procedures Manual, pg. 13, 18*

★ TEGL 19-16

★ 20 CFR 680.710

★ 20 CFR 680.740

★ 20 CFR 680.720(b)

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

## ☀ PERSONNEL

Facilities Closings Policy: The Local WDB guidance for the creation of MOUs for the one-stop system assumes the existence of formal policies on holiday/emergency closing that will need to be coordinated among partner agencies. [SUNSHINE NOTE: *Personnel policies, as opposed to individual records, are subject to the Sunshine law, and reasons/ dates for closings are usually public information.*]

Personal Leave Policy: The Local WDB guidance for the creation of MOUs for the one-stop system assumes the existence of formal policies on staff leave that will need to be coordinated among partner agencies. The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if ... they are provided under established written leave policies. [SUNSHINE NOTE: *Personnel policies, as opposed to individual records, are subject to the Sunshine law.*]

Travel Policy (Required if federal allowances are not used.): “In the absence of an acceptable, written non-Federal entity policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701–11, (“Travel and Subsistence Expenses; Mileage Allowances”), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards [48 CFR 31.205–46(a)].” [SUNSHINE NOTE: Personnel policies, as opposed to individual records, are subject to the Sunshine law.]

OWD ISSUANCE 01-2019 (One-Stop Center MOU & Infrastructure Funding Agreements), ATT #3

★ Uniform Guidance at 2 CFR 200.431(b)(1)

★ Uniform Guidance at 2 CFR 200.474(3)

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **RECORDS—Access to Records/Sunshine Policy**

The Local WDB must have policy on public access to records, including a schedule of reasonable fees. (This must be in accordance with section 610.026 of Missouri Sunshine Law.)

OWD FINANCIAL MANUAL (April 2019), page 14

★ RSMo 610.026

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **RECORDS—Retention and Destruction**

The Local WDB must have a local records retention and destruction policy following guidance outlined in the references below.

OWD ISSUANCE 11-2019 (Records Retention Policy)

OWD FINANCIAL MANUAL (April 2019), page 12-13

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)

#### ☀ **TRANSITIONAL JOBS (TJ) POLICY (program dependent)**

If the Local WDB implements a TJ program, then “Local WDBs utilizing the Transitional Jobs must adopt policies and identify employers (public, private, or nonprofit) that can provide quality experiences through which individuals can achieve unsubsidized employment.” Additionally, these policies must include plans on the amount of reimbursements for the jobs (up to 100 percent of the wage), what supportive services must be included, and the limits on the duration of the transitional job. If states and Local WDBs choose to use transitional jobs as a strategy, they must develop policies for defining and identifying individuals who are “chronically unemployed” or “have an inconsistent work history.”

★ TEGL 19-16

OWD ISSUANCE 07-2016-C1 (Statewide Transitional Jobs Policy, Change 1), page 2

[\[RETURN TO ADDITIONAL REQUIRED POLICIES LIST\]](#)